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MEMO ENDORSED

March 10, 2008

By Fax (212) 805-6326

Hon. Colleen Mc Mahon
United States District Judge
United States Court House
500 Pearl Street, Room 640
New York, New York 10007

RE: **SPOLLEN V. GUARDIAN LIFE**
08 CV 305 (CM)

Dear Judge Mc Mahon:

I represent the plaintiff in the above referenced matter and am writing in brief reply to Mr. Meade's letter of March 7, 2008 which conspicuously evades the issues raised in my March 7th letter to the court.

Specifically, defense counsel has not produced or made available one single piece of paper regarding any internal manuals or documents; computer records and e-mails or internal rules and regulations with regard to payment of claims for physical therapy in general and particularly in this case.

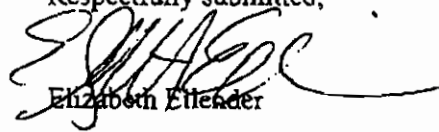
Counsel's March 5th letter addressed to my office for the first time mentions confidential documents. What is the purpose of keeping the guidelines confidential? Furthermore, this is the first time any confidentiality issues have been raised and certainly if counsel were serious about confidentiality, a proposed Stipulation would have been supplied and it was not. Unfortunately, this appears to be more delaying tactics.

Counsel's statement that I am somehow unwilling to confer upon a discovery schedule is nonsensical. As the plaintiff, of course I am willing to confer upon a schedule. However, there is already one in place from the state court action so-ordered by this Court and defense counsel has

Referred to Magistrate
Colleen Mc Mahon
3/10/08

thus far refused to comply even with that Order. (copy enclosed herein).

Respectfully submitted,


Elizabeth Ellender

Enc.

cc:

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